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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,448	12/03/2003	Jefferson Craig Lind	988.1045000	6733

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EXAMINER

MCCULLOCH JR, WILLIAM H

ART UNIT PAPER NUMBER

3714

DATE MAILED: 03/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,448

Applicant(s)

LIND ET AL.

Examiner

William H. McCulloch Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 12/03/03, 06/18/04, 10/26/05.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) with mailroom dates 12/3/2003, 5/18/2004, and 10/26/2005 were filed in compliance with the provisions of 37 CFR 1.97-1.98. Accordingly, the examiner has considered the information disclosure statements.

Claim Objections

2. Claim 8 is objected to because of the following informalities: Claim has two subsections labeled (a). Examiner notes that the second subsection should be labeled (b). Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 6, 7, 9-11, 13-15, 17-20, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. 6,461,241 to Webb et al. (hereinafter Webb).

Webb describes a gaming machine having a primary game and a secondary or bonus game. Webb describes the following limitations:

Regarding claims 1, 6, 10, and 20, Webb states that a secondary game can be any activity that provides a player with the opportunity to gain an award. Triggering a

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bonus round can provide such an opportunity. The secondary game may be a game that requires a player to align a predetermined number of markers on a grid in a particular pattern, a game that involves a player competing against the gaming device, or a game involving races and chases. See at least 1:50-2:13 and 6:64-7:15.

Regarding claims 2, 17 and 19, the bonus round is available to a player if he receives a winning predetermined outcome in a primary game. Thus if a non-winning outcome occurs, the result will inherently be a non-bonus round. The player may continue to play the primary game assuming he has an adequate amount of game credits. See at least 5:24-32.

Regarding claim 3, Webb states that the bonus game may be a bingo game. See at least 6:7.

Regarding claims 4 and 11, Webb describes an embodiment wherein the primary game is a slot machine game, which is known in the art to employ a random number generator. When a certain randomly generated outcome occurs, the player is allowed to play a bonus game. See at least 5:24-50.

Regarding claims 7, 15, 18, and 22, graphical options are presented to the player during a bonus game. The chosen options are indicated on the display screen. See at least column 6 and figures 5a-5c.

Regarding claims 9, 13, and 14, there is a network server device provided in communication with the gaming terminal(s). The terminal includes a display screen. The processor and memory device (i.e. controller) preferably reside in the player terminal but may be embodied in the network server. See at least 4:62-5:23.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 8, 12, 16, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Web.

Claims 8, 16, and 23 are directed toward a bonus game wherein a player is presented with a number of selection options from which to choose and is a graphical depiction of a number of participants in a contest. As described above, Webb teaches that a bonus game may be a race. Webb seems to lack specifically disclosing the fact that players may choose participants in the race. However, it was notoriously well known in the art to offer bonus games wherein a player may select one or more racers, for instance horses in a race, on which to place bets and possibly win bonus prizes. Therefore, such a limitation would have been obvious to one of ordinary skill in the art at the time of invention. The examiner offers as evidence U.S. 6,210,275 to Olsen, which discloses a horserace game where players select which horse(s) to place bets upon.

Claim 21 is directed toward associating the game play result with a bonus round in response to an event unrelated to the game play result. Claims 5 and 12 are directed toward triggering a bonus game in response to a predetermined event. Webb seems to lack specifically disclosing the fact that events unrelated to the game play result may trigger the bonus round. However, it was notoriously well known in the art to offer

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bonus games wherein a bonus may be triggered by a predetermined, unrelated event.

Therefore, such a limitation would have been obvious to one of ordinary skill in the art at the time of invention. The examiner offers as evidence U.S. 6,015,344 to Kelly et al., which discloses triggering a bonus event based upon the denomination of currency inserted into a gaming machine or by other promotional means.

Citation of Pertinent Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. 6,471,208 to Yoseloff et al. shows a method of playing a game, apparatus for playing a game and game with multiplier bonus feature. U.S. 6,406,369 to Baerlocher et al. describes a gaming device having a competition bonus scheme. U.S. 6,203,427 to Walker et al. discloses a method and apparatus for securing a computer-based game of chance. U.S. 6,575,829 to Coleman et al. shows a method and apparatus for gaming with simulation of telephone for player interaction. U.S. 5,935,002 to Falciglia discloses a computer-based system and method for playing a bingo-like game. U.S. 6,364,768 to Acres et al. describes networked gaming devices that end a bonus and concurrently initiate another bonus.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. McCulloch Jr. whose telephone number is (571) 272-2818. The examiner can normally be reached on M-F 8:30-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William H. McCulloch Jr.
Examiner
Art Unit 3714
3/7/2006

wm



JOHN M. HOTALING, II
PRIMARY EXAMINER